

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 11, 2004

CALL TO ORDER/NOTING OF QUORUM

Chairman Herriman called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Superintendent Davis, Industry Liaison Okey and Executive Secretary Webb.

Ronna Chappell of ILBA, Jerimi Ullom, Lisa Goldner, Debbie Scott and Grant Monahan, were present as observers.

DISPOSITION OF MINUTES

Commissioner Davis moved to approve the minutes that were submitted for the April 20, 2004 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairperson Glass moved to approve the PAD forms that were submitted for the May 11, 2004 meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Four hundred thirty-four (434) renewals approved, seventy-five (75) new and/or transfer permits approved, twelve (12) permits conditionally approved, thirteen (13) permits approved for catering, six (6) permits approved for first year escrow, seven (7) permits approved for second year escrow and three (3) permits approved for third year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Davis and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL50-20924 WAL-MART STORES EAST, LP – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove. The three members who voted to deny the permit stated there was no need or desire in the community for this permit.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Davis. Commissioner Marks also voted to deny the new permit and Chairman Herriman voted to approve the new permit.

LISA LESOUX AND STANLEY KINGSLEY – Vice Chairperson Glass noted this applicant would like to apply for a type 111 permit and a type 210-1 permit simultaneously.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Marks and it was unanimously approved.

RR41-13162 L & L'S RUMOURS BAR & GRILL, INC. – Vice Chairperson Glass noted this is a type 210 renewal and transfer of ownership application with the local board voting four (4) to zero (0) to disapprove. The local board stated this establishment has become a public nuisance.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal and transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

RR38-20935 THE BROWN BOWL, INC. – Vice Chairperson Glass noted this is a new type 112 application with the local board voting three (3) to zero (0) to approve. There were remonstrators present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR45-05465 PEPE'S TACOS OF MERRILLVILLE, INC. – Vice Chairperson Glass noted this is a type 210-1 renewal application with the local board voting four (4) to zero (0) to disapprove. The local board stated this establishment has become a public nuisance.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RR46-20887 KIRAL CORPORATION D/B/A LINCOLNWAY TAVERN – Vice Chairperson Glass noted this is a type 112 renewal application with the local board voting four (4) to zero (0) to disapprove. The local board stated the permittee does not have a high and fine reputation in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation and deny the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RC49-07131 WESTSIDE SOCIAL CLUB – Vice Chairperson Glass noted this is a type 211-1 club permit. The owners are requesting that the Commission convert this from a type 211-1 club permit to a type 210 retailer permit.

Vice Chairperson Glass moved to approve this request. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make forty-four (44) permits inactive. Fifteen (15) permits are subject to auction and twenty-nine (29) permits are not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

No Old Business

NEW BUSINESS

COMMUNITY FOUNDATION OF BLOOMINGTON "HOUSE WARMING PARTY" – Community Foundation of Blooming would like to use donated wine for their wine tasting.

SEND DECO DOWN EVENT – Southeast Neighborhood Development (SEND) would like to serve donated alcoholic beverages at their Deco Down event.

NORTHEAST INDIANA PUBLIC RADIO 16TH ANNUAL WORLD WINE TASTING – Northeast Indiana Public Radio would like to use donated wine at its 16th Annual World Wine Tasting event.

INDIANAPOLIS ART CENTER 70TH BIRTHDAY GALA – Indianapolis Art Center would like to serve donated alcoholic beverages at their 70th Birthday Gala.

CIVIC THEATRE BOOTH'S BASH III – Indianapolis Civic Theatre would like to serve donated alcoholic beverages at their Booth's Bash III.

EASTER SEALS HOLE-IN-ONE GOLF BENEFIT – Easter Seals Arc of Northeast Indiana would like to serve donated alcoholic beverages at their Hole-in-One Golf Benefit.

WOMEN OF TODAY WINE TASTING FUNDRAISER – Women of Today would like to use donated wine for their wine tasting.

STANLEY K. LACY LEADERSHIP ASSOCIATION EVENT – Stanley K. Lacy Leadership Association would like to serve donated alcoholic beverages at their event.

500 FESTIVAL MINI-MARATHON – 500 Festival would like to sell donated beer at the 500 Festival Mini-Marathon Post-Race Recovery Area.

SAM SCHMIDT PARALYSIS FOUNDATION - Eddie Merlot's would like to serve donated alcoholic beverages at their Sam Schmidt Paralysis Foundation event.

AMERICAN LIVER FOUNDATION'S SALUTE TO EXCELLENCE – American Liver Foundation would like to serve donated alcoholic beverages at their Salute to Excellence event.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HASTEN HEBREW ACADEMY HAI-LIFE AWARD DINNER – Hasten Hebrew Academy would like to serve donated alcoholic beverages at their Hai-Life Award Dinner.

Commissioner Davis moved to approve this request. Motion seconded by Vice Chairperson Glass. Chairman Herriman voted to approve this request and Commissioner Marks abstained from the vote.

POLICY DETERMINATIONS

LSA DOCUMENT #03-279 TOBACCO CERTIFICATE PLACEMENT – Superintendent Davis stated the public hearing concerning this rule was held on January 26, 2004. At that time, some attorneys were uncomfortable with part of the language in the proposed rule. After consulting with the Indiana Retail Council, Superintendent Davis feels the changes in the language are a good compromise for everyone. The rule now states the certificate must be displayed with the alcoholic beverage permit (if there is one), or be visible to the public.

Commissioner Davis moved to approve this rule with the changes in the language. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

UNDER ADVISEMENT

Nothing Under Advisement

ANNOUNCEMENTS

COMMISSION MEETING – The next Commission meeting will be May 18, 2004 at 2:30.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Davis and it was unanimously approved.

Approved this _____ day of _____, 2004.

BART HERRIMAN, CHAIRMAN

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER